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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A. NO.2156 OF 2018 AND
C.M.P. NO.16714 OF 2018
AGAINST
WP.NO.6047/2014

- 1.Government of Tamil Nadu
Rep. by its Secretary to Government
Forest and Environment Department
Fort St. George, Chennai - 600 009
- 2.The Principal Chief Conservator of Forests
Panagal Maligai, Saidapet
Chennai - 600 015
- 3.The District Forest Officer
Chithli, Perambalur District
- 4.The Accountant General of T. Nadu
Office of the Accountant General
Office at Teynampet, Chennai - 18
- 5.Government of Tamil Nadu
Rep. by its Secretary to Government
Finance Department
Fort St. George, Chennai - 600 009

... Appellants/
Respondents

vs

Mrs.Paranjothi

... Respondent/
Petitioner

Prayer: Writ Appeal filed under clause 15 of the Letters Patent against the order dated 28.02.2014 made in W.P. No.6047 of 2014.

Prayer in W.P. No.6047 of 2014:-

Directing the respondents 1 to 3 to count half of the service rendered by the petitioner husband from 1.4.1981 till 30.8.2009 on Daily Wage Basis alongwith his regular service from 31.8.2009



till 12.8.2012 the date prior to his death on 13.8.2012 so as to enable the petitioner to get Family Pension and consequently direct the respondents 1 to 3 to send the revised pensionary proposal to the fourth respondent direct the fourth respondent to pay family pension to the petitioner with all consequential benefits within a specified period and pass further suitable orders.

For Appellants : Mr.R.Neelakandan
Government Pleader

JUDGMENT

(delivered by PUSHPA SATHYANARAYANA, J.)

Challenge in this writ appeal is to the order of the writ court dated 28.02.2014 made in W.P. No.6047 of 2014. The appellants herein are the respondents before the writ court and the respondent herein is the writ petitioner.

2. The respondent herein/writ petitioner is the wife of one N.Nedunchezian, since deceased. Her husband was appointed as a temporary plot watcher in the services of the third appellant department on 01.04.1981 and his services were regularised on 01.09.2009 and died on 12.08.2012. As his services were regularised after 28 years, she prayed for counting of 50% of the temporary services rendered by her husband along with his remaining service for the purpose of calculating pension and retiral benefits by filing a writ of mandamus in W.P. No.6047 of 2014. The said writ petition was allowed, based on the judgment passed in W.A. Nos.27 and 28 of 2012 dated 13.02.2012. The appellants were directed to consider and dispose of petitioner's representation based on the orders passed in the above referred writ appeal in a time bound manner. It is also to be noted that the said issue of counting 50% of the temporary services rendered by a person for computing the pensionary benefits is no longer res integra in view of the recent judgment of the Full Bench of this court in Government of Tamil Nadu and Ors. vs. R. Kaliyamoorthy reported in (2019) 6 CTC 705.

3. However the learned Government Pleader representing the appellants would state that the order passed by the learned single Judge was implemented and given effect in G.O.(3D) No.55 Environment and Forest (FR-2) Department dated 11.03.2016.



4. In view of the above, the writ appeal is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

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-s/d-
Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

Asr

To

1. The Secretary to Government
Government of Tamil Nadu
Forest and Environment Department
Fort St. George, Chennai - 600 009
2. The Principal Chief Conservator of Forests
Panagal Maligai, Saidapet
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5. The Secretary to Government
Government of Tamil Nadu
Finance Department
Fort St. George, Chennai - 600 009

+1cc to M/S. Special Government Pleader, (Forest), High Court,
Madras.

W.A. No.2156 of 2018 and
C.M.P. No.16714 of 2018

SJ(CO)
PM(06/09/2021)